

REMARKS

The application has been amended and is believed to be in condition for allowance. The present amendment is filed as part of a Request for Continued Examination (RCE).

The indication that claims 16 and 18-19 would be allowed if amended into independent form is acknowledged with thanks.

New claims 23-36 replace claim 1-16. New claim 23 is independent, and incorporates the features of former claim 4. New claim 23 further recites that the handle is pivotably moveable with respect to the brushing head in a plane substantially perpendicular to a plane of the external wall. The amendment finds support in the specification and the drawing figures as originally filed (e.g., page 2, lines 18-21; page 5, lines 16-17 and 25-30; Figure 1).

New claim 35, depending from claim 23, corresponds to the recitations of old claim 18, indicated as reciting allowable subject matter.

The new claims do not introduce new matter.

Dependent claim 20 has been amended to recite a handle pivotably movable in a perpendicular plane, as recited in claim 23. Claim 21 has been amended to recite that the first and second connecting surfaces are planar, and claim 22 depends from claim 21 and recites subject matter corresponding to claim 20. These claim amendments are supported in the specification and the

drawing figures as originally filed and do not introduce new matter.

The Official Action rejected claims 1-6, 8-9, 11-15, 17, 20 and 21 under 35 USC 102(b) as being anticipated by HICKMAN (U.S. 1,225,955).

The Official Action rejected claims 1-6, 8-9, and 11-15 under 35 USC 102(b) as being anticipated by LEE (U.S. 6,685,686).

The Official Action rejected claims 1-6 and 8-14 under 35 USC 102(b) as being anticipated by BURKI (U.S. 3,732,589).

The rejections are respectfully traversed for at least the reasons that follow.

As to claim 17, the Official Action stated that HICKMAN discloses the claimed invention. It is respectfully submitted that HICKMAN does not teach a brushing head with a planar joining portion, having a length, joining a midsection of a first side portion to a midsection of a second side portion, as recited in claim 17.

On the contrary, HICKMAN teaches a cylindrical, non-planar joining portion 10,13 joining the first side 7 with the second side 8. "The disk 7 is provided with a screw spindle 10 which projects through the disk... This shank 10 has threaded thereon a collar nut 12 to limit the inward movement of the disk 8 toward the disk 7... The disk 8 is provided with a tubular stud 13 threaded interiorly for the reception of the adjacent portion

of the screw shank 10," (lines 79-89; see also Figures 1, 3, and 4).

The HICKMAN joining portion, as disclosed, is not planar. Accordingly, it is respectfully submitted that HICKMAN does not anticipate the invention recited in claim 17.

It is also respectfully submitted that none of BURKI or LEE disclose a planar joining portion as recited by claim 17. On the contrary, both of BURKI and LEE teach pairs of round, cylindrical brushes joined in their centers by round, non-planar hubs.

It is therefore respectfully submitted that claim 17 is patentable over the references of the Official Action. Claims 18-20 are also believed patentable at least for depending from a patentable claim. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The Official Action also rejected claim 21 as anticipated by HICKMAN. Claim 21, as amended, recites a planar connecting surface joining the first surface to the second surface. As stated above with respect to claim 17, HICKMAN discloses a cylindrical, non-planar joining section, and therefore does not teach a planar connecting surface joining the first surface of an internal planar first surface to an internal planar second surface, as recited by claim 21.

Claim 21, and claim 22 depending therefrom, is therefore believed patentable for the same reasons set forth

above as to claim 17. Reconsideration and withdrawal of the rejection are respectfully requested.

As to claim 23, it is respectfully submitted that none of the references applied by the Official Action teach a toothbrush comprising a handle being pivotably moveable in a plane substantially perpendicular to a plane of an external wall of the brushing head.

On the contrary, the embodiment of BURKI illustrated in Figure 2 teaches a handle 13 that is not pivotably moveable with respect to the brushing head as a rigid connection of the handle to the two disks it required to rotate the disk-shaped brushes 23,24 for the cleaning action.

A first embodiment of the BURKI's disk-shaped brushes 23, 24, arranged on a hub-shaped or frame-like spool body (Figure 2) is fixedly mounted to a shaft 22 so that the spool body will rotate with rotation of the shaft (column 2, lines 30-34). A small coil spring or like element 26 may be provided on the shaft to bear against the outer wall of the spool body (column 2, lines 43-46). BURKI makes no disclosure that the shaft 22 is rotatably mounted to brush 24, or that either of the spring 26 or the shaft 22 is pivotably mounted, as required by claim 23.

In a second embodiment, BURKI discloses a central bore through a hub-shaped or frame-like spool body 34 which forms the support for a cylindrical brush 33 (column 2, lines 59-63; Figure 3). The spool body 34 is rotatably mounted on a shaft 35 passing

through the bore (column 2, lines 59-64). The shaft 35 is fixedly mounted on a flat housing 36 of handle 41 (column 2, lines 64-66), and bristles of brushes 31 and 32 extend toward each other from opposite, parallel surfaces, each forming an external wall of the spool body 32 (Figure 3).

BURKI's second embodiment teaches handle 41 extending in a plane parallel to the external walls of 34, and rotatable in the same parallel plane. There is no disclosure, either in the specification or the drawing figures, that the handle 41 is pivotably moveable in a plane substantially perpendicular to a plane of the external walls, as required by claim 23.

BURKI also fails to disclose a brushing head comprising an upper bushing compartment and a lower brushing compartment. The disk configuration of BURKI's brushes 31,32 cannot define two discrete brushing compartments. Figures 2 and 3 of BURKI give an impression of two compartments on the brushing head when the toothbrush is considered in two-dimensions. However, the Figures are misleading and the three-dimensional structure of the disclosed toothbrush must be considered. When considered in three-dimensions, it is clear that the BURKI brushing head has a single radial brushing compartment defined by the inner faces of the disks 31 and 32, delimited at one by the spindle 35.

It is therefore respectfully submitted that BURKI does not anticipate the invention recited in claim 23.

It is also respectfully submitted that HICKMAN does not anticipate claim 23. As with BURKI, HICKMAN teaches a handle 1, attached to the hub 3,4,5,6 of a spindle-like brush 7,8, wherein the brush is configured to rotate about the hub with respect to the handle 1 (Figures 1-3). The handle 1 extends in a plane substantially parallel to an external wall of the brushing head in order to effect the described rotary motion of the disks. HICKMAN provides no disclosure, suggestion or teaching in Hickman of the feature of the handle being moveable in a plane substantially perpendicular to an external wall of the brush 7,8.

HICKMAN is also submitted as failing to teach two compartments on the brushing head for the same reasons stated above as to BURKI.

It is further respectfully submitted that LEE does not anticipate claim 23. As with BURKI and HICKMAN, LEE discloses a rotary toothbrush comprising two disks 116 with radially extending bristles 118, wherein the handle 112 extends in a plane parallel to the plane parallel to the external wall 116 of the brush. LEE makes no teaching or suggestion that handle 112 is pivotably moveable in a plane substantially perpendicular to a plane of the external wall of the brush.

LEE is also submitted as failing to teach two compartments on the brushing head for the same reasons stated above as to BURKI and HICKMAN.

It is therefore respectfully submitted, based on the statements above, that claim 23, and claims depending therefrom, are patentable over BURKI, HICKMAN, and LEE. Reconsideration and allowance are respectfully requested.

It is also respectfully submitted that dependent claims 20 and 22, in addition to being patentable for depending from a patentable claim, are patentable in their own right for the reasons set forth above.

It is further respectfully submitted that new claim 35, depending from claim 23, is patentable in its own right for reciting subject matter indicated as allowable.

From the foregoing, it will be apparent that applicants have fully responded to the June 25, 2008 Official Action and that the claims as presented are patentable. In view of this, applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in dark ink, appearing to read 'Roland E. Long, Jr.', written over a horizontal line.

Roland E. Long, Jr., Reg. No. 41,949
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REL/lad